IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPLICATION NO. 185 OF 2006

M/s. Encee Rail Engineers & Fabricators Pvt. Ltd. ...

Applicants

Versus

Union of India ..

Respondents

Mr. U.S. Samudrala for the applicants.
Mr. T.J. Pandian for the respondents.

CORAM: **SWATANTER KUMAR, C.J.**

DATE: APRIL 13, 2007.

P.C.

The learned counsel for the parties agree and pray that this application be disposed of in terms of the order passed by the Court in Arbitration Application No. 87 of 2006. The order reads as under:

> "It is agreed between the parties that the General Manager, Central Railway be directed to appoint the arbitrator as per clause 64 of GCC within a period of 8 weeks. It is ordered accordingly. All questions on merits are left open to the decision of the arbitrator including arbitrability of the claim. Liberty to the respondents to file their counter claim, if any, before the arbitrator."

2. In view of the joint statement made by the learned counsel for the parties, this application is also disposed of in the above terms, while leaving the parties to bear their own costs.

CHIEF JUSTICE